

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

VAPOR CITY AND SMOKE LLC,
et al.,

Defendants.

CASE NO. C23-1781JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") motion for a 45-day extension of time to perfect service on Defendant Vapor City and Smoke LLC ("Vapor City"). (Mot. (Dkt. # 8).) Because none of the Defendants have appeared in this action, the court exercises its discretion under Federal Rule of Civil Procedure 1 to decide this motion before the March 1, 2024 noting date. Fed. R. Civ. P. 1 (directing courts to construe the Federal Rules of Civil Procedure "to secure the just, speedy, and inexpensive determination of every action and proceeding"). The court has reviewed GS Holistic's

1 motion, the relevant portions of the record, and the governing law. Being fully advised,
2 the court GRANTS GS Holistic's motion.

3 Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a
4 summons and a copy of the complaint and sets forth the specific requirements for doing
5 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service
6 must be effectuated, states in relevant part:

7 If a defendant is not served within 90 days after the complaint is filed, the
8 court—on motion or on its own after notice to the plaintiff—must dismiss
9 the action without prejudice against that defendant or order that service be
made within a specified time. But if the plaintiff shows good cause for the
failure, the court must extend the time for service for an appropriate period.

10 *Id.*

11 GS Holistic filed this action on November 20, 2023. (Compl. (Dkt. # 1).) As a
12 result, Rule 4(m)'s 90-day deadline for effectuating service of process expired on
13 February 18, 2024. Fed. R. Civ. P. 4(m).

14 GS Holistic represents that its process server properly served Defendant Saraj
15 Khan on January 10, 2024. (Mot. at 2.) Although the process server attempted to serve
16 Vapor City at the same time, GS Holistic recognized, after reviewing the proof of service
17 provided by the process server, that service was improper. (*Id.*) As a result, GS Holistic
18 requests an additional 45 days to effect proper service on Vapor City. (*Id.*)

19 The court concludes that GS Holistic has established good cause for an extension
20 of the deadline to serve Vapor City. Accordingly, the court GRANTS GS Holistic's

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1 motion (Dkt. # 8). GS Holistic shall file proof of proper service on Vapor City by no
2 later than **April 3, 2024**.

3 Dated this 21st day of February, 2024.

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6 JAMES L. ROBART
7 United States District Judge
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